

PATENT

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence for Application No. 10/700,738 is being electronically transmitted via EFS-WEB on May 27, 2008.

/kurt l grossman/ May 27, 2008
Kurt L. Grossman, Reg. No. 29,799 Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/700,738
Filed: November 4, 2003
Group Art Unit: 3767
Examiner: Elizabeth R. MacNeill
Applicant: Brian Pope et al.
Title: **SYRINGE PUMP RAPID OCCLUSION DETECTION SYSTEM**
Attorney Docket: MDX-297
Confirmation No.: 4966

Cincinnati, Ohio 45202

May 27, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed February 25, 2008, which finally rejected claims 1-3, 5-36, and 46-80. Because May 25, 2008 was a Sunday, and May 26, 2008 was a Federal Holiday (Memorial Day), this Notice of Appeal should be considered timely filed under 37 C.F.R. §1.7(a).

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

☒ other than a small entity.

☐ a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

☐ small entity \$255.00

☒ other than a small entity \$510.00

Notice of Appeal fee due \$510.00

Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a)___ Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

	Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
___	one month	\$ 120.00	\$ 60.00
___	two months	\$ 460.00	\$230.00
___	three months	\$1,050.00	\$525.00
___	four months	\$1,640.00	\$820.00
___	fifth month	\$2,230.00	\$1,115.00

Fee _____

___ Attached is a check in the amount of \$___ for the three month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

___ An extension for ___ months has already been secured and the fee paid thereof of \$___ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$___.

OR

(b) X Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

3. Total Fee Due

The total fee due is:

Notice of Appeal fee \$510.00.

Total Fee due \$510.00

4. Fee Payment

___ Attached is a check in the sum of \$___.

___ The Commissioner is hereby authorized to charge the amount of \$___ for the appeal fee to Deposit Account No. 23-3000.

X The appeal fee in the amount of \$510.00 is being submitted concurrently with this communication by credit card payment.

5. Fee Deficiency

X Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,
WOOD, HERRON & EVANS, L.L.P

By: /kurt l grossman/
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